IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 256 of 2005

Between:

G.E. Lakshminarayana, S/o. G. Eswaraiah,
D.No. 2-1-34, J.V. Street, Hindupur Town, Ananthapur.

..... PETITIONER

AND

1 Superintendent of Police, Ananthapur.
2 Sub-Divisional Police Officer, Penukonda, Ananthapur District.
3 Station House Officer, Hindupur I Town P.S., Hindupur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in opening and continuing rowdy sheet against the petitioner in I Town Police Station, Hindupur as illegal, arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India and also ultra vires the Police Standing Order No.742 consequently directing the respondents to close the history sheet maintained against the petitioner in Hindupur I Town Police Station including the destruction of photos and fingerprints of the petitioner taken by the respondents and pass such other order or orders.

Counsel for the Petitioner:MR.A.HANUMANTHA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

The Court at the stage of admission made the following ORDER:

A rowdy sheet was opened against the petitioner in the year 1996, on the basis of his involvement in crime No.75 of 1995. Offences under Sections 147,332,427,448,307,506 read with 149 I.P.C. were alleged against him. The petitioner states that even that solitary case ended in acquittal and despite the same the respondents are continuing the rowdy sheet against him. He seeks appropriate directions for discontinuance of the same.

In the counter-affidavit filed by the respondents, it is alleged that the rowdy sheet was opened against the petitioner in view of his involvement in several crimes. Reference is made to crime No.75 of 1995 as well as to crime Nos. 10 and 101 of 2004 under Section 107 Cr.P.C. of Hindupur I Town Police Station. It is alleged that it is necessary to continue the rowdy sheet against the petitioner for the purpose of ensuring law and order situation in the town.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Rowdy sheets are opened against the individuals by the police concerned, in exercise of power under Order 742 of the A.P. Police Manual. *In Mohammed Quadeer v. Commissioner of Police, Hyderabad,* this Court extensively dealt with the scope of the power and the permissibility of opening of the rowdy sheets.

By its very nature, opening of a rowdy sheet would have its adverse impact on

the civil rights, dignity and social status of an individual. Such a measure can be resorted to only when the circumstances warrant. It was held in the Judgment referred to above that even where a solitary case involving the offences referred to in Order 742 is pending, it cannot constitute the basis to open or continue a rowdy sheet.

In the instant case, the only case, being crime No.75 of 1995 of Hindupur I Town Police Station, ended in acquittal. The other two namely crime Nos. 10 and 101 of 2004 are of inconsequential nature, from the point of view of opening of a rowdy sheet. What ever may have been the justification in opening the rowdy sheet against the petitioner, there does not exist any basis for continuing the same even after the acquittal of the petitioner in crime No.75 of 1995.

Hence, the writ petition is allowed and it is directed that the rowdy sheet opened against the petitioner shall be discontinued forthwith. It is, however, made clear that in case the petitioner resorts to any unlawful activities, warranting opening of a rowdy sheet, it shall be open to the respondents to take appropriate action in accordance with law. There shall no order as to costs.

07.02.2005

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To

1 Superintendent of Police, Ananthapur.
2 Sub-Divisional Police Officer, Penukonda, Ananthapur District.
3 Station House Officer, Hindupur I Town P.S., Hindupur.

4 Two CCs. To the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

5 Two CD copies.